

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J., by her next friend and mother,
HEATHER JACKSON

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF
EDUCATION, HARRISON COUNTY BOARD
OF EDUCATION, WEST VIRGINIA
SECONDARY SCHOOL ACTIVITIES
COMMISSION, W. CLAYTON BURCH in his
official capacity as State Superintendent,
DORA STUTLER in her official capacity as
Harrison County Superintendent, and THE
STATE OF WEST VIRGINIA

Defendants

and

LAINEY ARMISTEAD

Defendant-Intervenor.

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

Oral Argument Requested

**DEFENDANT-INTERVENOR AND THE STATE OF WEST VIRGINIA'S MOTION TO EXCLUDE
EXPERT TESTIMONY OF DR. JOSHUA SAFER**

Defendant-Intervenor Lainey Armistead and the State of West Virginia move to exclude the testimony of Dr. Joshua Safer pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). In support of their motion, they rely on the affidavits, admissions, depositions, expert reports, studies, and other documents included in the appendix attached to Defendant-Intervenor and the State of West Virginia's Motion to Exclude Expert Testimony of Dr. Deanna Adkins in addition to the contemporaneously filed Memorandum of Law. Ms. Armistead and the State request oral argument to be heard at a time and date set by the Court under Local Rule of Civil Procedure 9.8. They respectfully pray for this relief and for any further relief this Court may deem just and proper.

Respectfully submitted this 12th day of May, 2022.

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West Virginia Attorney General

/s/ Brandon S. Steele

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CERTIFICATE OF SERVICE

I, Brandon Steele, hereby certify that on May 12, 2022, I electronically filed a true and exact copy of the forgoing with the Clerk of Court and all parties using the CM/ECF system.

/s/ Brandon S. Steele

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